

Jason Crews
1515 N Gilbert Rd Ste 107-204
Gilbert, AZ 85234
602-295-1875
Jason.crews@gmail.com

<input checked="checked" type="checkbox"/> FILED	<input type="checkbox"/> LODGED
<input type="checkbox"/> RECEIVED	<input type="checkbox"/> COPY
JAN 17 2024	
CLERK U S DISTRICT COURT DISTRICT OF ARIZONA	
BY _____	DEPUTY

UNITED STATES DISTRICT COURT
FOR THE DISTRICT ARIZONA
PHOENIX DIVISION

Jason Crews,

Plaintiff,

vs.

Symmetry Financial Group, LLC,

Defendant.

Case No.: **CV24-00108-PHX-SMB**

Complaint for Violations of:

1. NEGLIGENT VIOLATIONS OF
THE TELEPHONE CONSUMER
PROTECTION ACT [47 U.S.C. §227 ET
SEQ.]
2. WILLFUL VIOLATIONS OF THE
TELEPHONE CONSUMER
PROTECTION ACT [47 U.S.C. §227 ET
SEQ.]

DEMAND FOR JURY TRIAL

COMPLAINT

Preliminary Statement

1
2 1. Plaintiff Jason Crews (“Plaintiff”) brings this action under the Telephone
3 Consumer Protection Act (“TCPA”), 47 U.S.C § 227, a federal statute enacted in
4 response to widespread public outrage about the proliferation of intrusive, nuisance
5 calling practices. See *Mims v. Arrow Fin. Servs., LLC*, 132 S. Ct. 740, 745 (2012).

6 2. The Defendants in this action Symmetry Financial Group, LLC orchestrated
7 placing at least two illegal telemarketing calls using an Automated Telephone Dialing
8 System (“ATDS”) to a number assigned to a cellular service which was included on the
9 national Do-Not-Call List.

10 3. Plaintiff never consented to receive such messages.

Parties

11
12 4. Plaintiff Jason Crews (“Crews”) is and was a resident of Maricopa County,
13 Arizona at all relevant times, and a resident of this District.

14 5. Defendant Symmetry Financial Group, LLC (“Symmetry”), incorporated in
15 Delaware, and is in the business of selling life insurance products.

Jurisdiction & Venue

16
17 6. The Court has federal question subject matter jurisdiction over these TCPA
18 claims: *Mims v. Arrow Fin. Services, LLC*, 132 S. Ct. 740 (2012).

19 7. The Court has specific personal jurisdiction over the Defendants because they
20 have repeatedly placed calls to Arizona residents, including the Plaintiff. Defendants
21 purposely placed calls to Arizona residents.

22 8. The venue is proper pursuant to 28 U.S.C. § 1391(b)(2) because a substantial
23 part of the events or omissions giving rise to the claim occurred in this District, as the calls
24 to Plaintiff were placed into this District.

The Telephone Consumer Protection Act

25
26 8. In 1991, Congress enacted the TCPA to regulate the explosive growth of the
27 automated calling industry. In so doing, Congress recognized that “[u]nrestricted

1 telemarketing . . . can be an intrusive invasion of privacy[.]”: Telephone Consumer
2 Protection Act of 1991, Pub. L. No. 102-243, § 2(5) (1991) (codified at 47 U.S.C. § 227).

3 **Factual Allegations**

4 9. Plaintiff had no prior business relationship with Defendants.

5 10. Plaintiff is a “person” as defined by 47 U.S.C. § 153(39).

6 11. The phone number (602) 295-XXXX (“Cell Number”) belongs to Plaintiff.

7 12. The Cell Number has been on the Do-Not-Call registry since March 8, 2008.

8 13. Despite this registration, Defendants placed the calls summarized in the
9 following table with an Automated Telephone Dialing Systems (“ATDS”).

Date	Time	Caller ID
11/17/23	4:38 PM	(480)277-7740
12/10/23	12:00 PM	(480)405-1720

12
13 14. The Cell Number is assigned to a cellular phone used exclusively for personal
14 residential purposes.

15 15. The Cell Number is not associated with a business.

16 **Calls to Plaintiff**

17 16. On or about November 17, 2023, at 14:38 pm, Plaintiff received a telephone
18 call presenting caller ID (480)277-7740.

19 17. Plaintiff was unable to answer the call, and received a voice mail which stated

20 “I’m calling from the mortgage protection division here in Phoenix. I’m not a
21 telemarketer or anything like that. But I do I am trying to update some files and I
22 have yours on my desk. It looks like at some point in time you had requested
23 mortgage protection insurance information for your home on Laurel Court in
24 Gilbert. The issue is I’m not sure how old this request is, or if someone from our
25 company was able to help you or not. So that’s the reason for my call how this all
26 got started was you received a postcard in the mail regarding your mortgage that
27 gave a number on there for you to call and you either usually receive those once
28 you buy a home or refinance. I’m asking us to give you a call back. So again, if
you could let me know either way, I would greatly appreciate it. That way I can
update my file. I’d be more than happy to get this information to you if you still
needed it. Or just close out the file if you already have it or no longer interested. If
you could either call me or text me at this phone number 480-227-7740. That way
I can update the file accordingly and make sure either way that no one from our
offices continue to bother you about this. Thanks, Jason. Have a great day.

1 18. On or about December 10, 2023 at 12:00 pm, Plaintiff received a text message
2 presenting caller ID (480)405-1720.

3 19. The message stated:

4 Hello! My name is Sonia Salazar and I'm from the mortgage protection division
5 here in Phoenix. I am not a telemarketer but I am trying to clean up some old files
6 we have and it looks like you or someone in your home requested mortgage
7 protection insurance at some point in time. Honestly, it could have been a long
8 time ago but I am not sure as there are no notes on your file. I am the last person to
9 get these older files to try to figure out if clients have been helped or not. I would
10 just need to verify the information you sent in (you received a postcard in the mail
11 about your mortgage when you bought your home or refinanced and called the
12 number on the postcard to get his process started) and we could set up a quick 5
13 minute call to do so. Lastly, mortgage protection insurance is a life insurance
14 policy that you would own that could potentially pay off or pay down on your
15 mortgage so your family could stay in home in the event that you passed away,
16 became critically ill or disabled. If you're still needing this information, I would be
17 happy to help! Please respond either way to this text so I can update your file
18 accordingly Thank you!

19 20. The text message included an attachment with a photo, license number
20 20431560, and the contact information for Sonia Salazar identifying her employer as
21 Defendant Symmetry.

22 21. Plaintiff was surprised to have received a text message from Mrs. Salazar as
23 he had never done business with her, her employers, or responded to her prior
24 telemarketing attempts.

25 22. Plaintiff believes and therefor avers that despite her statement to the contrary,
26 Mrs. Salazar was conducting telemarketing and the true intent of her call was to sell
27 Plaintiff a life insurance policy.

28 23. The Plaintiff has been harmed, injured, and damages by the calls including,
but not limited to: reduced device storage space, reduced data plan usage, anger,
frustration, invasion of privacy, more frequent cell phone charging and reduced
enjoyment of Plaintiff's cell phone.

24 24. On or about December 21, 2023, Plaintiff sent Mrs. Salazar an email
25 requesting evidence of any consent in their possession evidencing Plaintiff's consent to
26 received telemarketing calls using an ATDS, consent to telemarketing calls, a copy of

1 Defendants' internal do not call policies, and to be placed on their internal do not call
2 policy.

3 25. Mrs. Salizar did not respond to Plaintiffs request.

4 26. Plaintiff did not receive evidence of consent to received telemarketing calls.

5 27. Plaintiff believes and therefor avers that this is because no evidence of consent
6 to receive telemarketing calls exists.

7 28. Plaintiff did not receive a copy of Defendants' internal do not call policies.

8 29. Plaintiff believed and therefor avers that this is because no internal do not call
9 policy exists.

10 **Defendants' Conduct Was Knowing and Willing**

11 30. Defendants intentionally called Plaintiff multiple times in order to advertise
12 their services to Plaintiff.

13 31. Defendants knew its actions were in violation of the TCPA and willfully
14 continued his conduct.

15 **Claims**

16 **Count One**

17 32. Plaintiff incorporates the foregoing allegations as fully set forth herein.

18 33. Defendants called Plaintiff's private residential telephone number which
19 was registered on the National Do-Not-Call Registry more than thirty-one (31) days prior
20 to the calls, in violation of 47 U.S.C. § 227(c)(3)(F) and 47 C.F.R. § 64.1200(c)(2).

21 34. As a result of their unlawful conduct, Defendants invaded Plaintiff's
22 personal privacy, causing Plaintiff to suffer damages and, under 47 U.S.C. § 227(c)(3)(F)
23 entitling him to recover \$500 in civil fines for each violation and an injunction requiring
24 Defendants to stop his illegal calling campaign.

25 35. Plaintiff is entitled to an award up to \$1500 in damages for each knowing
26 and willful violations of 47 U.S.C. § 227(c)(3)(F).

27 36. Defendants' violations were willful and/or knowing.

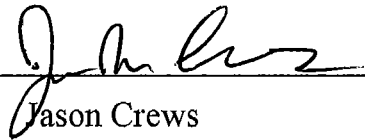
Relief Sought

WHEREFORE, Plaintiff requests the following relief:

A. Because of Defendants' violations of the TCPA, Plaintiff seeks for himself \$500 in damages for each violation or—where such regulations were willfully or knowingly violated—up to \$1,500 per violation, pursuant to 47 U.S.C. § 227(c)(3).

B. Such other relief as the Court deems just and proper.

RESPECTFULLY SUBMITTED on this January 14, 2024.


Jason Crews